



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article Number: 7002 0860 0006 5965 1814

Mr. Robert Siegel, Esq.
Compass Environmental, Inc.
954 W. Washington Boulevard, 4th Floor
Chicago, IL 60607

Dear Mr. Siegel:

RE: AK Steel Facility
Kansas City, MO
EPA ID No. MOD 007 118 029

At your request, this letter has been prepared to clarify the intentions of the U. S. Environmental Protection Agency (EPA) Region VII regarding the property owned by Compass Big Blue, L.L.C. (hereinafter referred to as "Compass"). This property is currently owned by Compass and is subject to a "post-closure" permit held by AK Steel Corporation (MOD 007 118 029), issued under the authority of the Missouri Hazardous Waste Management Law Section 260.350, et seq., RSMo. and the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901, et seq. The EPA, in coordination with the Missouri Department of Natural Resources (the "department"), is overseeing the investigation and cleanup of the AK Steel (formerly ARMCO) facility pursuant to a post-closure permit that contains provisions for site-wide corrective action and post-closure care at a previously-closed hazardous waste storage area.

This "post-closure" permit was issued in two parts. "Part I" of the permit was issued by the department pursuant to state law. "Part II" of the permit was issued by EPA and addresses those elements of the RCRA hazardous waste permitting program that the State of Missouri was not yet authorized for at the time the permit was signed, including corrective action. EPA has been the administrative lead for the facility, while Missouri has been the technical lead by virtue of its authorization to administer the state's corrective action program.

434650



RCRA RECORDS



In previous letters, EPA clarified its intentions regarding specific tracts of property that were under negotiation for sale to other parties (Enclosure 1). With the pending auction of the remaining property, EPA recognizes the need to clarify liability for all parcels being sold. The following discusses the regulatory status of the tracts Compass owns and proposes to sell in the auction.

Compass has conducted corrective action for contamination present at greater than risk-based industrial standards, and plans to place land use controls, on all tracts it is proposing to sell, including Tracts F1, F3, F5, F7, F8, and F9 (Enclosure 2). A description of the cleanup and land use controls may be found in the "Cleanup Completion Report," prepared by Compass, dated November 25, 2003. EPA and the department have determined that it is appropriate for parcel F3 to have notice language placed in the chain of title for the parcel which contains SWMUs 25 and 26, which will inform any future buyer of the presence of soil contamination (cadmium, lead, and PAHs) beneath asphalt on this parcel. Additionally, EPA and MDNR are considering the appropriate form of institutional controls and enforcement mechanisms to require any owner of these parcels to maintain the asphalt cap. Such institutional controls may include restrictive covenants, easements, and/or deed notices that require the owner to affirmatively maintain the asphalt cap.

The current permittee, the AK Steel Corporation, remains responsible for complying with the permit's corrective action and post-closure care requirements that address site conditions predating Compass' ownership of the property. Any current owner of the site, such as Compass, may not interfere with such corrective action and post-closure care action, should it be required; and any future owner whose activities cause releases of hazardous constituents may be potentially responsible for those releases. As a result of the cleanup conducted to date, EPA and the department plan to remove the cleaned tracts from the post-closure permit following completion of administrative document requirements and public notice and comment on the cleanup. After the date of such removal from the authority of the RCRA permit, responsibility for environmental conditions on parcels removed from the permit will be that of the owner of parcels. In the event that the owner of the parcels which contain SWMUs 25 and 26 fail to maintain the asphalt cap, which results in a threat of exposure to contaminated soils, EPA and/or the department will have to determine what, if any, enforcement actions would be required to address such a threat. Such enforcement actions may include enforcement of existing institutional controls and/or issuance of a cleanup order under EPA's statutory authority to address such threats. However, either Compass or any future owner may affirmatively address the threat posed by the contaminated soils in SWMUs 25 and 26 by removing and properly disposing of the contaminated soils.

For those portions that remain subject to the RCRA permit, EPA does not anticipate imposing additional cleanup obligations on potential future owners under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). However, should AK Steel Corporation fail to fulfill its permit obligations, potential future owners may exempt themselves from CERCLA cleanup liability as a Bona Fide Prospective

Purchaser ("BFPP") pursuant to CERCLA § 101(40). Among other requirements, prior to purchase, a BFPP must undertake "all appropriate inquiry" which currently consists of conducting a Phase I environmental assessment; and after purchase "exercise appropriate care" related to the property. For the property currently owned by Compass that will remain subject to the RCRA permit, as described in the previous paragraph, "appropriate care" would consist of not interfering with the permit's corrective and post-closure care actions, and not causing releases of hazardous constituents at the site.

If you have any questions, please call Stephanie Doolan at (913) 551-7719, or Julie Pearson at (573) 751-9428.

Sincerely,



Howard Bunch
EPA Counsel
Environmental Protection Agency



Shelly Woods
Missouri Attorney General's Office
Hazardous Waste Program

Enclosures

cc: Julie Pearson, MDNR
Kansas City Regional Office

ENCLOSURE 1
Previous Status Letters from EPA to
Compass Big Blue, L.L.C.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUL 14 2003

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No. 7001 0320 0004 5578 8057

Mr. Robert Siegel, Esq.
Compass Environmental, Inc.
954 W. Washington Boulevard, 4th Floor
Chicago, IL 60607

Dear Mr. Siegel:

RE: AK Steel Facility
Kansas City, MO
EPA ID No. MOD 007 118 029

This letter is intended to clarify the U. S. Environmental Protection Agency's (EPA's) intentions regarding the a portion of the property (see attached legal description) owned by Compass Big Blue, L.L.C., which is under the Resource Conservation and Recovery Act (RCRA) Post-Closure Permit held by AK Steel Corporation. For reasons stated below, the EPA does not contemplate any additional RCRA corrective action at this portion of the property.

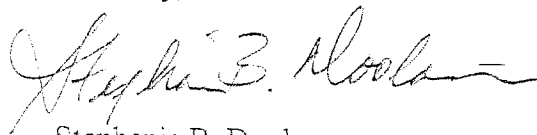
- The RCRA Facility Investigation Report (Burns & McDonnell 1999) describes the area as primarily covered with up to 14 feet of slag which was tested and not found to contain metals at levels of concern; and
- There are no Solid Waste Management Units or Areas of Concern on this portion of the property.

Further, the current permittee, the AK Steel Corporation, is responsible for compliance with the EPA's corrective action and post-closure care requirements. In the future, should information become available or should there be a change in site conditions that indicate that there was/is a release of hazardous constituents to the environment which may pose a threat to human health and the environment, the permittee, AK Steel Corporation, remains responsible for RCRA corrective action and post-closure care. Any current owner of the site may not interfere with such corrective action and post-closure care action, should it be required; and any future owner whose activities cause releases of hazardous constituents may be potentially responsible for those releases.

Additionally, because the site is being addressed under the RCRA permit authorities, EPA does not anticipate imposing cleanup obligations on potential future owners under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), which was established to clean up hazardous waste sites. However, should AK Steel Corporation fail to fulfill its RCRA permit obligations, potential future owners can exempt themselves from CERCLA cleanup liability as a Bona Fide Prospective Purchaser ("BFPP") pursuant to CERCLA § 101(40). Among other requirements, a BFPP must prior to purchase undertake "all appropriate inquiry" which currently consists of conducting a Phase I environmental assessment; and after purchase "exercise appropriate care", which for this site, as described in the previous paragraph, consists of not interfering with the RCRA corrective action a post-closure care action, and not causing releases of hazardous constituents at the site.

If you have any questions, please call me at (913) 551-7719.

Sincerely,



Stephanie B. Doolan

Project Manager

RCRA Corrective Action & Permits

Enclosures

cc: Julie Pearson, MDNR

AGS PARCEL DESCRIPTION:

DESCRIPTION: PART OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50, RANGE 33, AND PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 50, RANGE 32, IN KANSAS CITY, JACKSON COUNTY, MISSOURI. DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 36, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE KANSAS CITY TERMINAL RAILROAD, AS NOW ESTABLISHED; THENCE NORTH 87 DEGREES 20 MINUTES 54 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.26 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS NOW ESTABLISHED; THENCE NORTH 25 DEGREES 58 MINUTES 41 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 382.73 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTH 25 DEGREES 58 MINUTES 41 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 695.60 FEET TO THE SOUTHERLY LINE OF A TRACT OF LAND CONDEMNED IN SUITE NO. 241872, KANSAS CITY, MISSOURI ORDINANCE NO. 52766, DATED APRIL 5, 1926; THENCE NORTH 64 DEGREES 02 MINUTES 06 SECONDS EAST, DEPARTING SAID RIGHT OF WAY LINE, ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 66.19 FEET; THENCE NORTH 25 DEGREES 57 MINUTES 54 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 66.00 FEET; THENCE SOUTH 64 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 66.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID RAILROAD, THENCE NORTH 25 DEGREES 57 MINUTES 54 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.46 FEET TO A POINT ON THE SOUTHEASTERLY EDGE OF WATER OF THE BIG BLUE RIVER, AS SHOWN BY AERIAL PHOTOGRAPHY BY M. J. HARDEN DATED APRIL 1, 1994; THENCE NORTH 47 DEGREES 41 MINUTES 55 SECONDS EAST, DEPARTING THE EASTERLY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, AND ALONG SAID SOUTHEASTERLY WATERS EDGE OF THE BIG BLUE RIVER, A DISTANCE OF 96.86 FEET; THENCE SOUTH 81 DEGREES 37 MINUTES 51 SECONDS EAST, DEPARTING SAID SOUTHEASTERLY WATERS EDGE, A DISTANCE OF 722.01 FEET; THENCE SOUTH 8 DEGREES 33 MINUTES 04 SECONDS WEST, A DISTANCE OF 334.48 FEET; THENCE SOUTH 8 DEGREES 19 MINUTES 10 SECONDS WEST, A DISTANCE OF 410.75 FEET; THENCE NORTH 81 DEGREES 40 MINUTES 50 SECONDS WEST, A DISTANCE OF 324.71 FEET TO THE POINT IF BEGINNING.

RAILROAD SPUR TRACK EASEMENT:

DESCRIPTION: A STRIP OF LAND 17.00 FEET IN WIDTH, IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50, RANGE 33, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING 8.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE KANSAS CITY TERMINAL RAILROAD; THENCE NORTH 87°-20'-54" WEST, ALONG THE SOUTH LINE OF SAID 1/4 SECTION AND SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 142.26 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH 59°-34'-36" WEST, A RADIUS OF 240.00 FEET AND A CENTRAL ANGLE OF 35°-17'-29", AN ARC DISTANCE OF 147.82 FEET; THENCE NORTH 24°-59'-02" WEST, A DISTANCE OF 258.59 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE.

THE NORTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE LEASE TRACT TO AMERICAN GRINDING SYSTEMS- THE SOUTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36.

POWER LINE EASEMENT:

DESCRIPTION: A STRIP OF LAND 10.00 FEET IN WIDTH, IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50, RANGE 33 AND THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 50, RANGE 32, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE NORTH $1^{\circ}54'49''$ EAST, ALONG THE WEST LINE OF SAID 1/4 SECTION, A DISTANCE OF 290.80 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; SAID POINT HEREINAFTER BEING REFERRED TO AS POINT "A"; THENCE NORTH $78^{\circ}40'37''$ WEST, A DISTANCE OF 303.73 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE. EXCEPT THAT PART OF THIS EASEMENT WITHIN THE EXISTING BUILDING. ALSO BEGINNING AT THE AFORESAID POINT "A"; THENCE SOUTH $78^{\circ}40'37''$ EAST, A DISTANCE OF 123.49 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE SOUTH $81^{\circ}26'59''$ EAST, A DISTANCE OF 28.00 FEET; THENCE SOUTH $83^{\circ}15'56''$ EAST, A DISTANCE OF 258.34 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, AT AN EXISTING POWER POLE.

ALSO A TRACT OF LAND IN THE NORTHWEST 1/4 OF SAID SECTION 31, DESCRIBED AS FOLLOWS; BEGINNING AT THE AFORESAID POINT "B"; THENCE SOUTH $81^{\circ}26'59''$ EAST, A DISTANCE OF 28.00 FEET; THENCE SOUTH $8^{\circ}33'01''$ WEST, A DISTANCE OF 14.87 FEET; THENCE NORTH $81^{\circ}27'06''$ WEST, A DISTANCE OF 28.00 FEET; THENCE NORTH $8^{\circ}32'52''$ EAST, A DISTANCE OF 14.88 FEET TO THE POINT OF BEGINNING. CONTAINING 41.6 SQUARE FEET OR 0.009 ACRES MORE OR LESS.

ACCESS EASEMENT:

DESCRIPTION: A STRIP OF LAND 25.00 FEET IN WIDTH IN THE EAST 1/2 OF SECTION 36, TOWNSHIP 50, RANGE 33, AND THE WEST 1/2 OF SECTION 31, TOWNSHIP 50, RANGE 32, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING 12.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 36, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE KANSAS CITY TERMINAL RAILROAD; THENCE NORTH $87^{\circ}-20'-54''$ WEST, ALONG THE SOUTH LINE OF SAID 1/4 SECTION, AND SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 153.60 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH $30^{\circ}-56'-37''$ WEST, A RADIUS OF 2400.00 FEET AND A CENTRAL ANGLE OF $9^{\circ}-01'-28''$, AN ARC DISTANCE OF 378.00 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE:

THE NORTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE LEASE TRACT TO AMERICAN GRINDING SYSTEMS-THE SOUTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36.

ALSO BEGINNING AT THE AFORESAID POINT "A"; THENCE SOUTH $30^{\circ}-56'-37''$ EAST, A DISTANCE OF 157.83 FEET; THENCE SOUTH $46^{\circ}-17'-18''$ EAST, A DISTANCE OF 95.53 FEET; THENCE SOUTH $30^{\circ}-07'-58''$ EAST, A DISTANCE OF 37.38 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH $33^{\circ}-51'-37''$ EAST, A RADIUS OF 245.59 FEET AND A CENTRAL ANGLE OF $78^{\circ}-09'-48''$, AN ARC DISTANCE OF 335.04 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTH $68^{\circ}-07'-29''$ EAST, A DISTANCE OF 572.00 FEET; THENCE NORTH $72^{\circ}-18'-25''$ EAST, A DISTANCE OF 717.40 FEET; THENCE NORTH $70^{\circ}-32'-08''$ EAST, A DISTANCE OF 733.36 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF NORTH $74^{\circ}-58'-53''$ EAST, A RADIUS OF 295.72 FEET AND A CENTRAL ANGLE OF $72^{\circ}-57'-46''$, AN ARC DISTANCE OF 376.58 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH $32^{\circ}-03'-21''$ EAST, A RADIUS OF 259.19 FEET AND A CENTRAL ANGLE OF $55^{\circ}-52'-49''$, AN ARC DISTANCE OF 253.42 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH $23^{\circ}-38'-55''$ WEST, A RADIUS OF 652.09 FEET AND A CENTRAL ANGLE OF $22^{\circ}-04'-28''$, AN ARC DISTANCE OF 251.23 FEET; THENCE SOUTH $2^{\circ}-42'-30''$ WEST, A DISTANCE OF 214.49 FEET; THENCE SOUTH $22^{\circ}-23'-51''$ WEST, A DISTANCE OF 277.23 FEET TO A POINT

ON THE NORTH RIGHT OF WAY LINE OF WILSON ROAD, AS NOW
ESTABLISHED AND THE POINT OF TERMINATION OF SAID CENTERLINE:

THE NORTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE
LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE
NORTHEAST 1/4 OF SAID SECTION 36. THE SOUTHERLY OUTSIDE LIMITS OF
THIS EASEMENT SHALL LENGTHENED OR SHORTENED TO MEET THE
NORTH RIGHT OF WAY LINE OF SAID WILSON ROAD.

ALSO BEGINNING AT THE AFORESAID POINT "B"; THENCE SOUTH $68^{\circ}-07'-29''$
WEST, A DISTANCE OF 97.20 FEET; THENCE ALONG A CURVE TO THE LEFT,
HAVING AN INITIAL TANGENT BEARING OF SOUTH $61^{\circ}-40'-11''$ WEST, A
RADIUS OF 165.17 FEET AND A CENTRAL ANGLE OF $84^{\circ}-55'-59''$, AN ARC
DISTANCE OF 244.84 FEET TO A POINT HEREINAFTER REFERRED TO AS
POINT "C"; THENCE SOUTH $20^{\circ}-20'-42''$ EAST, A DISTANCE OF 232.91 FEET;
THENCE SOUTH $27^{\circ}-13'-10''$ EAST, A DISTANCE OF 305.09 FEET; THENCE
SOUTH $18^{\circ}-31'-48''$ EAST, A DISTANCE OF 184.65 FEET TO AN EXISTING GATE
AND THE TERMINATION OF SAID CENTERLINE.

ALSO BEGINNING AT THE AFORESAID POINT "C"; THENCE NORTH $21^{\circ}-29'-$
 $38''$ WEST, A DISTANCE OF 362.14 FEET TO THE TERMINATION OF SAID
CENTERLINE.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

OCT 02 2003

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Article No. 7001 0320 0004 5578 8217

REC'D
OCT 7 2003
RCAP

Mr. Robert Siegel, Esq.
Compass Environmental, Inc.
954 W. Washington Boulevard, 4th Floor
Chicago, IL 60607

RE: AK Steel Facility
Kansas City, Missouri
EPA ID No. MOD 007 118 029

Dear Mr. Siegel:

This letter is intended to clarify the intentions of the Missouri Department of Natural Resources, (hereinafter referred to as "the department"), and the U. S. Environmental Protection Agency ("EPA") regarding the 17.5 acre tract identified as Tract F1 on the attached figure (see also attached legal description). This property is currently owned by Compass Big Blue, L.L.C ("Compass"). and is subject to a "post-closure" permit held by AK Steel Corporation (EPA Id. No. MOD007118029), issued under the authority of state law and the federal Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901, et seq. The EPA, in coordination with the department, is overseeing the investigation and cleanup of the AK Steel (formerly ARMCO) facility pursuant to a RCRA post-closure permit which contains provisions for site-wide corrective action and post-closure care at a previously-closed hazardous waste storage area.

This "post-closure" permit was issued in two parts. "Part I" of the permit was issued by the department pursuant to state law, authorized as part of the federal hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. "Part II" of the permit was issued by EPA and addresses those elements of the RCRA hazardous waste permitting program that the state of Missouri was not yet authorized for at the time the permit was signed, including corrective action. EPA has been the administrative lead for the facility, while Missouri has been the technical lead by virtue of its authorization to administer the state's corrective action program. The department administers the state's Underground Storage Tank ("UST") program with EPA oversight.

For the reasons stated below, the EPA and the department do not contemplate any additional corrective action at this portion of the property.

- There are no RCRA Solid Waste Management Units (SWMUs) or Areas of Concern (AOCs) on this 17.5 acre parcel.
- USTs 14, 18 and 19 were located adjacent to the Bar Fab Building on this 17.5 acre parcel. USTs 18 and 19 contained boiler fuel oil and were taken out of service in 1962, and are thereby exempt from regulation. UST 14 stored No. 2 fuel oil and was removed on October 8, 1985. During the removal, 3 cubic yards of oily soil were reportedly removed, the excavation was backfilled with clean soil, and the area was topped with 24 inches of gravel.

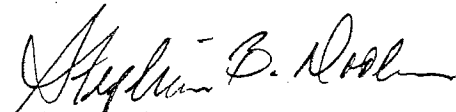
Further, the current permittee, the AK Steel Corporation, remains responsible for complying with the permit's corrective action and post-closure care requirements that address site conditions that predated Compass' ownership of the property. Any current owner of the site, such as Compass, may not interfere with such corrective action and post-closure care action, should it be required; and any future owner whose activities cause releases of hazardous constituents may be potentially responsible for those releases.

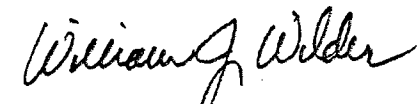
Lastly, because the site is being addressed under the referenced permit, EPA does not anticipate imposing additional cleanup obligations on potential future owners under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). However, should AK Steel Corporation fail to fulfill its RCRA permit obligations, potential future owners can exempt themselves from CERCLA cleanup liability as a Bona Fide Prospective Purchaser ("BFPP") pursuant to CERCLA § 101(40). Among other requirements, prior to purchase, a BFPP must undertake "all appropriate inquiry" which currently consists of conducting a Phase I environmental assessment; and after purchase "exercise appropriate care" related to the property. For the property currently owned by Compass, as described in the previous paragraph, "appropriate care" would consist of not interfering with the permit's corrective action post-closure care action, and not causing releases of hazardous constituents at the site.

If you have any questions, please call Ms. Stephanie Doolan, EPA, at (913) 551-7719, or Mr. Bill Wilder, MDNR, at (573) 751-2939..

Sincerely,

ENVIRONMENTAL PROTECTION AGENCY HAZARDOUS WASTE PROGRAM


Stephanie B. Doolan
Project Manager


William Wilder
Underground Storage Tanks Program

cc: Julie Pearson, MDNR
Jim Macy, MDNR Kansas City Regional Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JAN 13 2004

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Article No. 7001 0320 0004 5578 8798

Mr. Robert Siegel, Esq.
Compass Environmental, Inc.
954 W. Washington Boulevard, 4th Floor
Chicago, IL 60607

Dear Mr. Siegel:

RE: AK Steel Facility
Kansas City, MO
EPA ID No. MOD 007 118 029

At your request, this letter is intended to expand the scope of an earlier status or "comfort" letter issued by the U. S. Environmental Protection Agency (EPA) dated July 14, 2003 (Attachment 1). In the previous letter, EPA clarified its intentions regarding the a portion of the property owned by Compass Big Blue, L.L.C., which is under final negotiation for sale to the American Grinding Systems (AGS) Corporation. It is EPA's understanding that the property to be sold to AGS has been expanded according to the legal description provided in Attachment 2. For the same reasons stated in the July 14, 2003 letter, the EPA does not contemplate any additional RCRA corrective action at additional portions of the property to be sold to AGS which are specifically described in Attachment 2.

If you have any questions, please call me at (913) 551-7719.

Sincerely,

Stephanie B. Doolan
Project Manager
RCRA Corrective Action & Permits

Enclosures

cc: Julie Pearson, MDNR

ATTACHMENT 1
July 14, 2003 Letter from EPA to
Compass Big Blue, L.L.C.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
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Article No. 7001 0320 0004 5578 8057

Mr. Robert Siegel, Esq.
Compass Environmental, Inc.
954 W. Washington Boulevard, 4th Floor
Chicago, IL 60607

Dear Mr. Siegel:

RE: AK Steel Facility
Kansas City, MO
EPA ID No. MOD 007 118 029

This letter is intended to clarify the U. S. Environmental Protection Agency's (EPA's) intentions regarding the ~~a portion of the property (see attached legal description)~~ owned by Compass Big Blue, L.L.C., which is under the Resource Conservation and Recovery Act (RCRA) Post-Closure Permit held by AK Steel Corporation. For reasons stated below, the EPA does not contemplate any additional RCRA corrective action at this portion of the property.

- The RCRA Facility Investigation Report (Burns & McDonnell 1999) describes the area as primarily covered with up to 14 feet of slag which was tested and not found to contain metals at levels of concern; and
- There are no Solid Waste Management Units or Areas of Concern on this portion of the property.

Further, the current permittee, the AK Steel Corporation, is responsible for compliance with the EPA's corrective action and post-closure care requirements. In the future, should information become available or should there be a change in site conditions that indicate that there was/is a release of hazardous constituents to the environment which may pose a threat to human health and the environment, the permittee, AK Steel Corporation, remains responsible for RCRA corrective action and post-closure care. Any current owner of the site may not interfere with such corrective action and post-closure care action, should it be required; and any future owner whose activities cause releases of hazardous constituents may be potentially responsible for those releases.

AGS PARCEL DESCRIPTION:

DESCRIPTION: PART OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50, RANGE 33, AND PART OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 50, RANGE 32, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 36, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE KANSAS CITY TERMINAL RAILROAD, AS NOW ESTABLISHED; THENCE NORTH 87 DEGREES 20 MINUTES 54 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.26 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILROAD, AS NOW ESTABLISHED; THENCE NORTH 25 DEGREES 58 MINUTES 41 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 382.73 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING NORTH 25 DEGREES 58 MINUTES 41 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 695.60 FEET TO THE SOUTHERLY LINE OF A TRACT OF LAND CONDEMNED IN SUITE NO. 241872, KANSAS CITY, MISSOURI ORDINANCE NO. 52766, DATED APRIL 5, 1926; THENCE NORTH 64 DEGREES 02 MINUTES 06 SECONDS EAST, DEPARTING SAID RIGHT OF WAY LINE, ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 66.19 FEET; THENCE NORTH 25 DEGREES 57 MINUTES 54 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID TRACT, A DISTANCE OF 66.00 FEET; THENCE SOUTH 64 DEGREES 02 MINUTES 05 SECONDS WEST, A DISTANCE OF 66.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID RAILROAD, THENCE NORTH 25 DEGREES 57 MINUTES 54 SECONDS WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.46 FEET TO A POINT ON THE SOUTHEASTERLY EDGE OF WATER OF THE BIG BLUE RIVER, AS SHOWN BY AERIAL PHOTOGRAPHY BY M. J. HARDEN DATED APRIL 1, 1994; THENCE NORTH 47 DEGREES 41 MINUTES 55 SECONDS EAST, DEPARTING THE EASTERLY LINE OF SAID KANSAS CITY SOUTHERN RAILROAD, AND ALONG SAID SOUTHEASTERLY WATERS EDGE OF THE BIG BLUE RIVER, A DISTANCE OF 96.86 FEET; THENCE SOUTH 81 DEGREES 37 MINUTES 51 SECONDS EAST, DEPARTING SAID SOUTHEASTERLY WATERS EDGE, A DISTANCE OF 722.01 FEET; THENCE SOUTH 8 DEGREES 33 MINUTES 04 SECONDS WEST, A DISTANCE OF 334.48 FEET; THENCE SOUTH 8 DEGREES 19 MINUTES 10 SECONDS WEST, A DISTANCE OF 410.75 FEET; THENCE NORTH 81 DEGREES 40 MINUTES 50 SECONDS WEST, A DISTANCE OF 324.71 FEET TO THE POINT OF BEGINNING.

POWER LINE EASEMENT:

DESCRIPTION: A STRIP OF LAND 10.00 FEET IN WIDTH, IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 50, RANGE 33 AND THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 50, RANGE 32, IN KANSAS CITY, JACKSON COUNTY, MISSOURI, LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE SOUTHWEST CORNER THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE NORTH $1^{\circ}-54'-49''$ EAST, ALONG THE WEST LINE OF SAID 1/4 SECTION, A DISTANCE OF 290.80 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; SAID POINT HEREINAFTER BEING REFERRED TO AS POINT "A"; THENCE NORTH $78^{\circ}-40'-37''$ WEST, A DISTANCE OF 303.73 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, EXCEPT THAT PART OF THIS EASEMENT WITHIN THE EXISTING BUILDING. ALSO BEGINNING AT THE AFORESAID POINT "A"; THENCE SOUTH $78^{\circ}-40'-37''$ EAST, A DISTANCE OF 123.49 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE SOUTH $81^{\circ}-26'-59''$ EAST, A DISTANCE OF 28.00 FEET; THENCE SOUTH $83^{\circ}-35'-56''$ EAST, A DISTANCE OF 258.34 FEET TO THE POINT OF TERMINATION OF SAID CENTERLINE, AT AN EXISTING POWER POLE.

—
ALSO A TRACT OF LAND IN THE NORTHWEST 1/4 OF SAID SECTION 31, DESCRIBED AS FOLLOWS; BEGINNING AT THE AFORESAID POINT "B"; THENCE SOUTH $81^{\circ}-26'-59''$ EAST, A DISTANCE OF 28.00 FEET; THENCE SOUTH $8^{\circ}-33'-01''$ WEST, A DISTANCE OF 14.87 FEET; THENCE NORTH $81^{\circ}-27'-06''$ WEST, A DISTANCE OF 28.00 FEET; THENCE NORTH $8^{\circ}-32'-52''$ EAST, A DISTANCE OF 14.88 FEET TO THE POINT OF BEGINNING. CONTAINING 41.6 SQUARE FEET OR 0.009 ACRES MORE OR LESS.

OF THE NORTH RIGHT OF WAY LINE OF WILSON ROAD, AS NOW ESTABLISHED AND THE POINT OF TERMINATION OF SAID CENTERLINE.

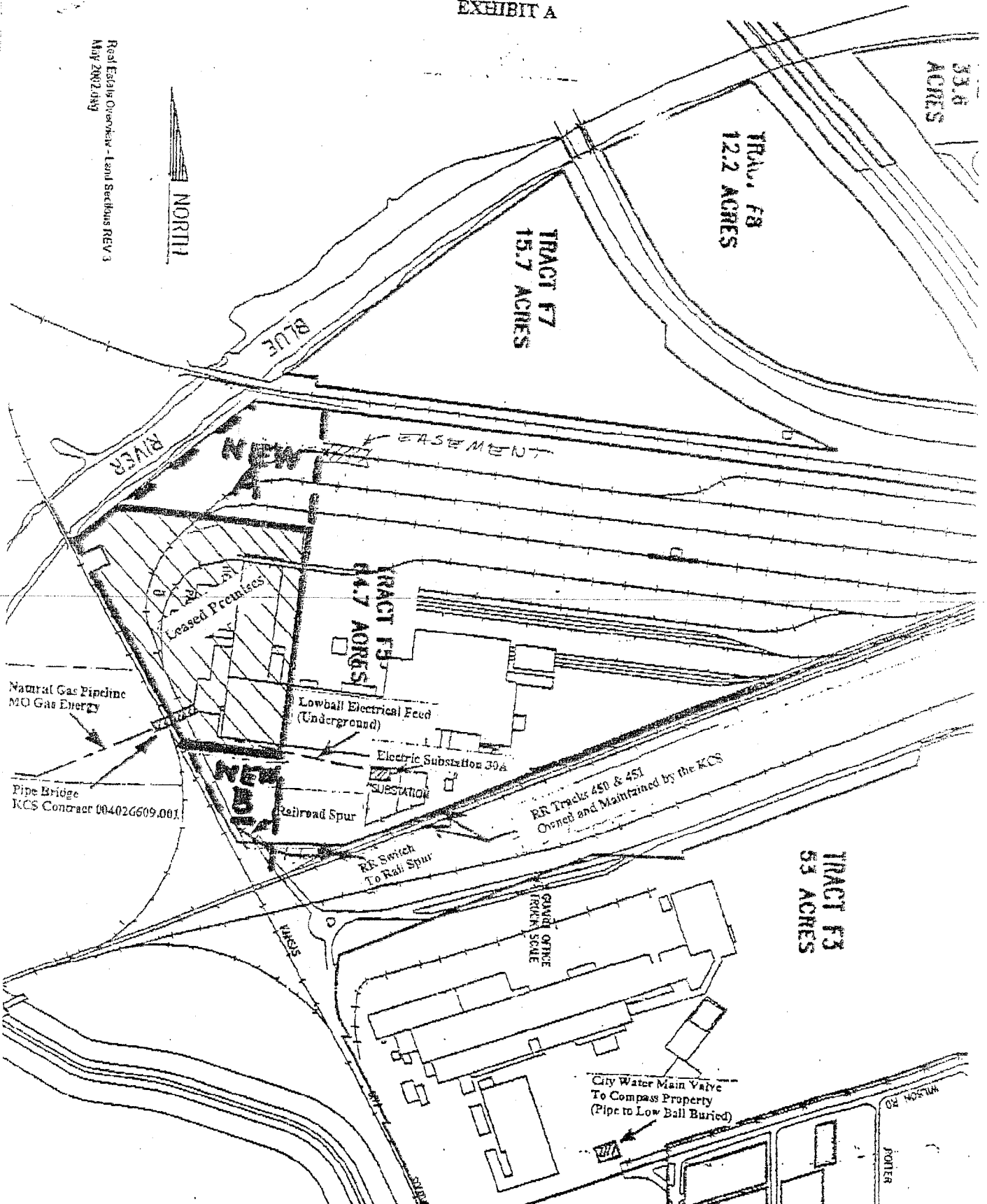
THE NORTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL BE LENGTHENED OR SHORTENED TO MEET THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36. THE SOUTHERLY OUTSIDE LIMITS OF THIS EASEMENT SHALL LENGTHENED OR SHORTENED TO MEET THE NORTH RIGHT OF WAY LINE OF SAID WILSON ROAD.

ALSO BEGINNING AT THE AFORESAID POINT "B"; THENCE SOUTH 68°-07'-29" WEST, A DISTANCE OF 97.20 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 61°-40'-11" WEST, A RADIUS OF 165.17 FEET AND A CENTRAL ANGLE OF 84°-55'-59", AN ARC DISTANCE OF 244.84 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE SOUTH 20°-20'-42" EAST, A DISTANCE OF 232.91 FEET; THENCE SOUTH 27°-13'-10" EAST, A DISTANCE OF 305.09 FEET; THENCE SOUTH 18°-31'-48" EAST, A DISTANCE OF 184.05 FEET TO AN EXISTING GATE AND THE TERMINATION OF SAID CENTERLINE.

ALSO BEGINNING AT THE AFORESAID POINT "C"; THENCE NORTH 21°-29'-38" WEST, A DISTANCE OF 362.14 FEET TO THE TERMINATION OF SAID CENTERLINE.

ATTACHMENT 2
Legal Description

EXHIBIT A



Real Estate Overview - Land Sections REV 3
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NORTH

ENCLOSURE 2
Property Tract Description

